

AN
EXPLANATION
OF THE MEANING
OF THE OATH AND
COVENANT.

PUBLISHED
BY THE L. MARQUES,
his Majesties High Commissioner
in SCOTLAND,

By the KINGs speciall command.



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Hereas some have given out, that by the Act of Councell, which explaineth the Confession of Faith lately commanded to be sworne by his Majesty, to be understood of the Confession of faith, as it was then professed and received, when it was made, and that in that Confession, defence both of the doctrine & discipline then established is sworn, at which time episcopall government being (as they say) abolished, it must needs follow, that the same government is by this late oath abjured.

And understanding that even amongst those who continue together still at Glasgowe, under the name of a generall Assembly, though but a pretended and unlawfull one, this objection is held to be of some moment, and used by them to the great disturbance of the peace of this church and kingdome, and to the great disquieting of the mindes of such his Majesties good subjects as have taken the said oath, and yet never meant nor do mean to abjure episcopall government; And to perswade others, that if they shall take the same oath thus explained by the said Act of Councell, by so doing they must likewise abjure the said government:

We *James* Marquesse of Hamiltoun, his Majesties high Commissioner, wondring that any such scrupulous misconstruction should be made of his Majesties gracious and pious intentions, and being desirous to remove all doubts from the mindes of his Majesties good subjects, and to keep them from being poy-

soned by such as by forced and forged inferences would make them beleeve, that they had actually by taking that oath sworn that which neither virtually nor verely they have sworn, or ever intended to swear, or was required by authority to be sworn by them, either directly or indirectly: Considering that all oathes must be taken according to the minde, intention, and commandement of that authority, which exacteth the oath; and that we, by speciall commandement from his sacred Maiestie, commanded the said oath to be administred, we do hereby freely and ingenuously professe and declare our mind and meaning herein, as we have constantly heretofore done since our coming into this kingdome about this employment; *viz.* That by any such words or act of councell we never meanted or intended that episcopall government should be abiured, nor any thing else which was established by acts of parliament, or acts of the church of this kingdome, which are now in force, and were so at the time of the taking of the said oath.

127 Nor indeed could we have any other intention or meaning, being clearly warranted and expressely commanded by his Maiesties instructions, to exact the said oath, and take order that it should be sworn throughout the kingdome in that faire and lawfull sense, and none other. Neither in this point did we deliver our own words, or his Maiesties minde ambiguously or doubtfully, so as any other sense, to our thinking, could be picked or wrung out of either the one or the other; for we do attest the Lords of the Councell, whether we did not to many, or all of them upon severall occasions in conference with them ever since

our coming into this kingdom, constantly declare unto them, that his Maiesties resolution was not to suffer episcopall government to be abolished: We attest all the Lords of Session, whether before our rendering of that oath to them, or their Lordships taking of it, we did not fully and freely declare to them, that his Maiesties minde in commanding tis to see this oath taken, and our own minde in requiring them to take it, was onely to settle and secure the religion and faith professed in this kingdome, but was not to be extended to the abiuring of episcopall government, or any other thing now in force by the laws of this church and state at the time of administering this oath, which their Lordships, being the reverend and learned Judges of the lawes, knew well could not be abiured; after which perspicuous predeclaration of our minde, their Lordships undoubtedly in that same sense and none other took the said oath.

And now good Reader, having heard his Maiesties minde and intention, and in pursuance of them, the mind of his Maiesties high Commissioner concerning this oath, though reasons to repell the former objection seem to be needlesse (the known minde of the supreme Magistrate who urgeth an oath, being to be taken for the undoubted sense of it, yet forasmuch as that objection hath of late bin mainly urged for alienating the mindes of many of his Maiesties good subiects, and well affected to that government, from adhering unto it, be pleased to know, that the former objection hath neither show nor force of reason in it, and that by the said oath and that explanation set down in the act of councell, episcopall government neither was nor possibly could be abiured, and that for many rea-

sons, but especially these five, which we having seen and approved, have caused to be here inserted, and leave them to thine impartiall consideration.

I.

First, God forbid it should be imagined that his Majesty should command his subjects to take an oath which in it self is absolutely unlawfull: But for a man to swear against a thing which is established by the laws of the church and kingdome in which he liveth (unlesse that thing be repugnant to the law of God) is absolutely unlawfull, untill such time as that kingdome and church do first repeal these laws: And therefore episcopall government not being repugnant to the law of God, nay being consonant unto it, as being of apostolicall institution (which shall be demonstrated if any man please to argue it) and standing fully established, both by acts of parliament, and acts of generall assembly at the time when this oath was administred; to abjure it before these acts be repealed, is absolutely unlawfull, and against the word of God: and it is to be hoped no man will conceive that his Majestie meant to command a thing absolutely unlawfull. And if it should be said, as it is said by some, (who not being able to avoid the force of reason, do betake themselves to pitifull shifts and evasions) that these acts of parliament and assembly establishing episcopall government, were unlawfully and unduely obtained: certainly if they have any reasons for this their bold assertion, which is of a more dangerous consequence then that it ought to be endured in any well settled church or commonwealth; these reasons may be presented lawfully to these judicatories to entreat them to reduce the saids acts, if there shall be strength and validity found in them.

them. But to hold, that untill such time as these judicatories shall repeal the saids laws, they either ought to be, or can possibly be abjured, is a wicked position, and destructive of the very foundation of justice both in church and common-wealth.

Secondly, it cannot be imagined that this oath should oblige the now takers of it farther then it did oblige the takers of it at first: for doctrine and points of faith it did oblige them then, and so doth it us now, perpetually, because these points in themselves are perpetuall, immutable and eternall: But for points of discipline and government, and policie of the Church, that oath could binde the first takers of it no longer then that discipline and government should stand in force by the laws of this Church and Kingdome, which our Church in her positive confession of faith printed amongst the acts of Parliament, artic. 20. 21. declareth to be alterable at the will of the Church it self, and so repealable by succeeding acts, if the Church shall see cause. When a king at his coronation taketh an oath to rule according to the laws of his kingdome, or a judge at his admission sweareth to give judgement according to these laws, the meaning of their oaths cannot be that they shall rule or judge according to them longer then they continue to be laws: But if any of them shall come afterwards to be lawfully repealed, both king and judge are free from ruling and judging according to such of them as are thus lawfully repealed, notwithstanding their originall oath. Since therefore if the first takers of that oath were now alive, they could not be said to have abjured episcopall government, which hath been since established by the lawes of this church and kingdome, especially

especially considering that this church in her confession holdeth church government to be alterable at the will of the church : certainly we repeating but their oath, cannot be said to abiure that government now, more then they could be said to do it if they were now alive and repeating the same oath.

3. Thirdly, how can it be thought that the very act of his Maiesties commanding this oath should make episcopall government to be abiured by it, more then the covenanters requiring it of their associats, in both covenants the words and syllables of the confession of faith being the same? Now it is wel known that many were brought in to subscribe their covenant, by the solemn protestations of the contrivers & urgers of it, that they might subscribe it without abiuring of episcopacie, and other such things as were established by law, since the time that this oath was first invented and made; and the three Ministers in their first answers to the Aberdene Quæres have fully and clearly expressed themselves to that sense, holding these things for the present not to be abiured, but only referred to the triall of a free generall Assembly: and likewise the adherers to the last protestation against his Maiesties proclamation, bearing date the 9. of September, in their ninth reason against the subscription urged by his Maiesty, do plainly averre, that this oath urged by his Maiesty doth oblige the takers of it, *to maintain Perth articles, and to maintain episcopacy*. Why therefore some men swearing the same words & syllables should have their words taken to another sense, & be thought to abiure episcopall government, more then others who have taken the same oath in the same words, must needs passe the capacity of an ordinary understanding.

Fourthly,

Fourthly, it is a received maxime, and it cannot be denied, but that oaths ministred unto us must either be refused, or else taken according to the known mind, professed intention, and expresse command of authority urging the same: A proposition, not onely received in all schools, but positively set down by the adherers to the said protestation *totidem verbis* in the place above cited. But it is notoriously known even unto those who subscribed the confession of faith by his Majesties commandment, that his Majestie not only in his kingdoms of England and Ireland, is a maintainer and upholder of episcopall government according to the laws of the said Churches and Kingdomes, but that likewise he is a defender, and intends to continue a defender of the same government in his kingdome of Scotland, both before the time, and at the time when he urged this oath, as is evident by that which is in my Lord Commissioner his preface, both concerning his Majesties instructions to his Grace, and his Graces expressing his Majesties mind, both to the Lords of Councell, and to the Lords of Session; and the same likewise is plainly expressed and acknowledged by the adherers to the said protestation in the place above cited: their words being these; *And it is most manifest that his Majesties mind, intention, and commandment, is no other but that the confession be sworn, for the maintenance of religion as it is already or presently professed (these two being co-incident altogether one and the same, not only in our common form of speaking, but in all his Majesties proclamations) and thus as it includeth, and continueth within the compasse thereof, the foresaids novations and episcopacie, which under that name were also ratified, in the first parliament holden by his Majesty.*

From whence it is plaine, that episcopacie not being taken away or suspended by any of his Majesties declarations, as these other things were which they call novations, it must needs both in deed, and in the judgment of the said protesters no waies be intended by his Majestie to be abjured by the said oath. Now both the *major* and that part of the *minor* which concerneth episcopall government in the Church of Scotland, being cleerly acknowledged by the protesters, and the other part of the *minor* concerning that government in his other two kingdomes being notoriously known, not only to them, but to all others who know his Majesty, how it can be imagined that his Majesty by that oath should command episcopacy to be abjured, or how any one to whom his Majesties mind concerning episcopall government was known, could honestly or safely abjure it, let it be left to the whole world to judge, especially considering that the protesters themselves in that place above cited, by a *dilemma*, which we leave to themselves to answer, have averred, that when that act of councell should come out, yet that it could not be inferred from thence that any such thing was abjured.

5. Fifthly and lastly, if the explanation in that act of councell be taken in that not only rigid but unreasonable and senselesse sense which they urge, yet they can never make it appear, that episcopall government at the first time of the administering of that oath was abolished: The very words of that confession of faith, immediately after the beginning of it, being these, *Received, beleevd, defended by many and sundry notable kirks and Realms, but chiefly by the kirk of Scotland, the Kings Majestie and three Estates of this realme, as Gods*

Gods eternall truth & only ground of our salvation, &c.
 By which it is evident, that the subscription to this confession of faith is to be urged in no other sense then as it was then beleev'd and received by the Kings Majesty, and the three Estates of this realme at that time in being; and it is well known, that at that time Bishops, Abbots and Priors made up a third estate of this realm, which gave approbation to this confession of faith: and therefore it is not to be conceived, that this third estate did then abjure episcopacie, or that episcopacie was at the first swearing of that confession abolished. But say that at that time it was abolished by acts of generall Assembly, yet was it not so by any act of Parliament, nay by many acts of Parliament it was in force, because none of them was repealed; some whereof are annexed in the sheet immediatly after these reasons, which we pray the reader carefully to peruse and ponder: and at the very time of the taking of this oath and after, bishops, whose names are well known, were in being. Now it is to be hoped that in a Monarchy or any other well constituted republick, that damnable Jesuiticall position shall never take place, That what is once enacted by a Monarch & his three estates in Parliament, shall ever be held repealed or repealable by any ecclesiasticall nationall Synod.

By all which it is evident, that the explanation of that act of councell so groundlesly urged, can induce no man to imagine that by the confession of faith lately sworn by his Majesties commandment, episcopall government, which then did, and yet doth stand established by acts of this Church and Kingdome, either was, or possibly could be abjured.

And having now (good Reader) heard his Majesties

minde in his instructions to us, our minde in requiring in his Majesties name this oath to be taken, and these few reasons of many which do evidently evince the inconsequence of that sense which without any show of inference is put upon it by those, who would go on in making men still beleieve, that all which they do or say is grounded upon authority, though they themselves do well know the contrary; we suppose that all they who have taken this oath will rest satisfied that they have not abjured episcopal government, and that they who shall take it, will take it in no other sense.

Which timely warning of ours, we are the more willing to give, because we are given to understand, that even they who were wont to call the takers of this oath (notwithstanding of that explanation by act of councell) perjured and damned persons, and in their pulpits called the urging of it the depth of Sathan, do now mean to take it themselves, and urge others to take it in that sense which they make men beleieve (though wrongfully) that act of councell makes advantageous to their ends.

But we do in his Majesties name require that none presume to take the said oath, unlesse they be required so to do by such as shall have lawfull authority from his Majestie to administer it unto them: being confident, that none either will or can take the said oath or any other oath in any sense, which may not consist with episcopall government, having his Majesties sense, and so the sense of all lawfull authority fully explained to them.

HAMMILTOUN.



That episcopall jurisdiction was in force by acts of parliament, and no wayes abolished nor suppressed in the year 1580. nor at the time of reformation of religion within the realm of Scotland, doth evidently appeare by the acts of parliament after mentioned.

First by the parliament 1567. cap.2. whereby at the time of reformation the Popes authority was abolished, it is enacted by the said act, *That no bishop, nor other prelate in this realm, use any jurisdiction in time coming by the bishop of Romes authority.* And by the third act of the same parliament, whereby it is declared, *That all acts not agreeing with Gods word, and contrary to the confession of faith approved by the estates in that parliament, to have no effect nor strength in time to come.* Whereby it is evident, that it was not the reformers intention to suppress episcopacie, but that bishops should not use any jurisdiction by the bishop of Rome his authority; and seeing they did allow episcopacie to continue in the church, that they did not esteeme the same contrary to Gods word and confession foresaid: as appeares more clearly by the sixth act of the said parliament, which is

ratified in the parliament 1579. cap. 68. whereby it is declared, *That the ministers of the blessed Evangel of Jesus Christ, whom God of his mercie hath now raised up amongst us, or hereafter shall raise, agreeing with them that now live in doctrine or administration of the sacraments, and the people of this realme that professe Christ as he is now offered in his Evangel, and do communicate with the holy sacraments, as in the reformed kirks of this realme they are publickly administrate, according to the confession of the faith, to be the only true and holy kirk of Jesus Christ within this realme; without any exception by reason of policy and discipline, declaring only such as either gain-say the word of the Evangel according to the heads of the said confession, or refuse the participation of the holy sacraments as they are now ministrated, to be no members of the said kirk so long as they keep themselves so divided from the society of Christs body. Whereby it is manifest, that it was not the said reformers minde to exclude any from that society by reason of discipline, and that they did not at that time innovate or change any thing in that policy they found in the said kirk before the reformation.*

This is likewise evident by the oath to be ministered to the king at his coronation, by the eighth act of the said parliament, wherby he is to swear to maintain the true religion of Jesus Christ, the preaching of his holy word, and due and right ministration of the sacraments now received and preached within this realm, and shall abolish and gain-stand all false religion contrary to the same; without swearing to any innovation of policie and discipline of the kirk.

Secondly,

Secondly, it doth evidently appear by these subsequent acts of parliament, that by the municipall law of this realm archbishops and bishops was not only allowed in the kirk, but also had jurisdiction and authority to govern the same.

First, by the 24. act of the said parliament, whereby *all civill priviledges granted by our soveraigne Lords predecessors to the spirituall estate of this realm, are ratified in all points after the form and tenor thereof.* And by the 35. act of the parliament 1571. whereby all and whatsoever acts and statutes made of before by *our soveraigne Lord and his predecessors anent the freedome and liberty of the true kirk of God, are ratified and approved.*

By the 46. act of the parliament 1572. whereby it is declared, that Archbishops and bishops have the authority, and are ordained to convene and deprive all inferiour persons being ministers, who shall not subscribe the articles of religion, and give their oath for acknowledging and recognoscing of our soveraigne Lord and his authority, & bring a testimoniall in writing thereupon within a moneth after their admission.

By the 48. act of the same parliament, whereby it is declared, that archbishops and bishops have authority at their visitations to designe ministers gleibes.

By the 54. act of the said parliament, whereby archbishops and bishops are authorized to nominate and appoint at their visitations, persons in every parochin for making and setting of the taxation, for upholding and repairing of kirks and kirk-yards, and to convene, try, and censure all persons that shall be found to have applied to

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to their own use the stones, timber, or any thing else pertaining to kirks demolished.

5. By the 55. act of the parliament 1573. whereby archbishops and bishops are authorized to admonish persons married, in case of desertion, to adhere, and in case of disobedience, *to direct charges to the minister of the parochin to proceed to the sentence of excommunication.*
6. By the 63. act of the parliament 1578. whereby bishops, & where no bishops are provided, the Commissioner of diocesses, have authority to try the rents of hospitals, and call for the foundations thereof.
7. By the 69 act of the parliament 1579. whereby the jurisdiction of the kirk is declared *to stand in preaching the word of Jesus Christ, correction of manners, and administration of the holy sacraments*; and yet no other authority nor office-bearer allowed and appointed by act of parliament, nor is allowed by the former acts; but archbishops and bishops intended to continue in their authority, as is clear by these acts following.
1. First, by the 71. act of the same parliament, whereby persons returning from their travels are ordained, within the space of twenty dayes after their return, *to passe to the bishop, superintendent, commissioner of the kirks* where they arrive and reside, and there offer to make and give a confession of their faith, or then within fourtie daies to remove themselves forth of the realme.
2. By the 99. act of the parliament 1581. whereby the foresaids acts are ratified and approved.
3. By the 130. act of the parliament 1584. whereby

it is ordained, that none of his Maiesties lieges and subiects presume or take upon hand to impugne the dignity and authoritie of the three estates of this kingdome, whereby the honour and authority of the kings Maiesties supreme court of parliament, past all memorie of man, hath been continued, *or to seek or procure the innovation or diminution of the power and authoritie of the same three estates, or any of them in time coming under the pain of treason.*

By the 131. act of the same parliament, whereby all iudgments and iurisdiccions as well in spirituall as temporall causes, in practice and custome during these twenty four years by past not approved by his highnesse and three estates in parliament, are discharged: and whereby it is defended, *That none of his highnesse subiects of whatsoever qualitie, estate, or function they be of, spirituall or temporall presume, or take upon hand to conuocate, conueene, or assemble themselves together for holding of counceils, conuencions, or assemblies, to treat, consult, or determinate in any matter of estate, ciuill or ecclesiasticall (except in the ordinary iudgements) without his Maiesties speciall commandement, or expresse licence had and obtained to that effect.*

By the 132. act of the said parliament, authorizing bishops to try and iudge ministers guilty of crimes meriting deprivation.

By the 133. act of the same parliament, ordaining Ministers exercising any office beside their calling to be tried and adiudged culpable by *their ordinaries.*

By the 23. act of the parliament 1587. whereby all acts made by his highnesse, or his most noble progenitors

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genitors anent the kirk of God, and religion presently professed, are ratified.

8. By the 23¹. act of the parliament 1597. bearing, *That our sovereigne Lord and his highnesse estates in parliament, having speciall consideration of the great priviledges and immunities granted by his highnesse predecessors to the holy kirk within this realme, and to the speciall persons exercising the offices, titles, and dignities of the prelates within the same: Which persons have ever represented one of the estates of this realm in all conventions of the saids estates; and that the saids priviledges and freedoms have been from time to time renewed and conserved in the same integritie wherein they were at any time before: So that his Maiestie acknowledging the same to be fallen now under his Maiesties most favourable protection, therefore his Maiesty with consent of the estates declares, that the kirk within this realme, wherein the true religion is professed, is the true and holy kirk: And that such ministers as his Maiestie at any time shall please to provide to the office, place, title, and dignitie of a bishop, &c. shall have vote in parliament, sicklike and als freely as any other ecclesiasticall prelate had at any time by-gone. And also declares, that all bishopricks vaicking, or that shall vaick, shall be only disposed to actuall preachers and ministers in the kirk, or such as shall take upon them to exerce the said function.*

9. By the second act of the parliament 1606. whereby *the ancient and fundamentall policie, consisting in the maintenance of the three estates of parliament, being of late greatly impaired and almost subverted, especially by the indirect abolishing of the estate of bishops by the act*

act of annexation: Albeit it was never meant by his Maiestie, nor by his estates, that the said estate of bishops, being a necessary estate of the parliament, should any wayes be suppressed; yet by dismembring and abstracting from them of their livings being brought in contempt and poverty, the said estate of bishops is restored, and redintegrate to their ancient and accustomed honour, dignities, prerogatives, priviledges, lands, teindes, rents, as the same was in the reformed kirk, most amply and free at any time before the act of annexation; rescinding and annulling all acts of parliament made in prejudice of the saids bishops in the premisses, or any of them, with all that hath followed, or may follow thereupon, to the effect they may peaceably enjoy the honours, dignities, priviledges, and prerogatives competent to them or their estate since the reformation of religion.

By the 6. act of the 20. parliament, declaring that
 10. archbishops and bishops are redintegrate to their former authority, dignity, prerogative, priviledges and iurisdctions lawfully pertaining and shall be known to pertain to them, &c.

By the 1. act of the parliament 1617. ordaining
 11. archbishops and bishops to be elected by their Chapters, and no other wayes, and consecrate by the rites and order accustomed.

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